

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Sherwood Rd., 450' SE * ZONING COMMISSIONER
C/I of Topsfield Road *
427 Sherwood Road * OF BALTIMORE COUNTY
8th Election District *
3rd Councilmanic District * Case No. 91-47-A
James H. Wise, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 22 ft. in lieu of 40 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner, James H. Wise, appeared and testified. Appearing as an interested party were neighbors, Mr. and Mrs. Dennis Krebs. There were no Protestants.

Testimony indicated that the subject property, known as 427 Sherwood Road consists of 0.48 acres +/-, zoned D.R.2 and is currently improved with a single family dwelling and carport. Upon application for a building permit, Petitioner was advised that the proposed improvements necessitated a variance and the Petitioner filed his request for a variance through the administrative process. However, a request for public hearing was determined by the Zoning Commissioner because the side yard setback of 3 ft., in accordance with Petitioner's Exhibit No. 1, was too small to be granted without a public hearing.

The Petitioner, testified that he wants to enclose the present carport and enlarge it to a second bay to allow him to have a two car enclosed garage.

Mr. Dennis Krebs who lives next door at 425 Sherwood Road made it very clear that he was not opposed to the variance. Mr. Krebs did raise the question as to whether the relief was appropriate as the property had been authorized by the Planning Commission in February of 1956 and, therefore, the 1955 regulations should apply. I agreed that the 1955 regulations should apply and, therefore, the requested variance should be 3 feet in lieu of the required 15 ft. as opposed to 22 ft. in lieu of 40 ft. as requested. However, the substance of the relief is not different in the sense that the proposed carport/garage is just as close to the property line whether it is under the 1955 regulations or the 1971 regulations and the minimum side under both regulations is 15 ft. Therefore, the variance is from 15 ft. in either case. In order to protect the technical nature of the regulations, we will amend the requested relief to be 3 ft. in lieu of 15 ft. and from Section 205.4 to permit a 32 ft. rear yard setback in lieu of the required 40 ft.

The Petitioner plans to build a larger garage 24 ft. across the front. The size of this garage creates the need for the variance. This variance places the new end of the wall very close to the property line, which is not in keeping with the standard within the community.

The Petitioner had requested 3 ft. setback. A 5 ft. setback would be more in keeping with the community standard and the relief could be granted in part:

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

ORDER RECEIVED FOR FILING
Date 12-5-90
By Mr. Krebs

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PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-47-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1B02.3.C.1 -- To allow side yard setbacks of 22 ft. in lieu of 40 ft.

in a D.R.-2

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (Indicate hardship or practical difficulty)
1. THE TERRAIN MAKES IT IMPOSSIBLE TO ERECT A GARAGE IN ANY OTHER LOCATION
 2. EITHER SIDE OF THE HOUSE SOUTHEAST OR NORTH EAST WOULD NECESSITATE A VARIANCE
 3. TO ENLARGE EXISTING STRUCTURE IS MORE IN COMPLIANCE WITH EXISTING STRUCTURES.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

JAMES H. WISE

(Type or Print Name)

GERARDINA WISE

(Type or Print Name)

GERARDINA WISE

(Type or Print Name)

Signature

427 SHERWOOD RD

Cockeysville, MD 21030

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

JAMES H & GERARDINA WISE

427 SHERWOOD RD COCKEYSVILLE 21030

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of Sept, 1990, that the subject matter of this petition be posted on the property on or before the 22nd day of Aug, 1990. (SRA)

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of Sept, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 31st day of Nov, 1990, at 9:30 o'clock, P.M.

39

ORDER RECEIVED FOR FILING

Date

By

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

In reviewing the Petition, it must be kept in mind that "(t)he standard for granting a variance. . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

The evidence in support of a lesser variance should be granted. Strict compliance would prevent the garage and the lesser variance would provide relief and protect the community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief as amended should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of December, 1990 that the Petition for a Zoning Variance from Section 205.3 of the 1955 Edition of the B.C.Z.R. as provided for by Section 1B02.3.B. of the 1987 Edition of the B.C.Z.R., for a side yard of 5 ft. in lieu of the 15 ft. and a variance from Section 205.4 to permit a 32 ft. rear yard setback in lieu of the required 40 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this

ORDER RECEIVED FOR FILING
Date 12-5-90
By Mr. Krebs

-3-

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-47-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) ~~do~~ presently or upon settlement will reside at
427 Sherwood Rd, Cockeysville Md 21085
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

TO ENLARGE EXISTING CARPORT AND ENCLOSE THE ENTIRE STRUCTURE.
IT WILL BE NECESSARY TO BUILD WITHIN 3' OF THE EXISTING PROPERTY LINE.
THE TERRAIN OF THE PROPERTY DOES NOT ALLOW ANY OTHER OPTION FOR THE PROPOSED ENLARGEMENT.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

JAMES H. WISE
Affiant (Handwritten Signature)

JAMES H. WISE
Affiant (Printed Name)

Gerardina Wise
Affiant (Handwritten Signature)

GERARDINA WISE
Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of JUNE, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JAMES H WISE & GERARDINA WISE

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

6/28/90
DATE

Notary Public
Commission Expires: 7/92

Order, however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow or cause the conversion to be converted to a second dwelling unit and/or apartment. The enclosed carport shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

4. The Petitioner shall submit a revised Plan upon application for a building permit.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 12-5-90
By Mr. Krebs

-4-

91-47-A

BEGINNING AT A POINT ON THE SOUTH WEST SIDE OF SHERWOOD RD WHICH IS 25 FEET WIDE AT THE DISTANCE OF 450 FEET SOUTH EAST OF THE CENTER LINE OF THE NEAREST IMPROVED INTERSECTING STREET TOPS FIELD ROAD WHICH IS 50 FEET WIDE, BEING LOT #7 BLOCK B1 PLAT 1 IN THE SUBDIVISION OF DUNROVIN AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #23, FOLIO #12 CONTAINING 30,652.9' ALSO KNOWN AS 427 SHERWOOD RD AND LOCATED IN THE 8TH ELECTION DISTRICT.

39

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 10/26/90
 Posted for: Variance
 Petitioner: James H. Wise, et ux
 Location of property: 427 Sherwood Rd., MD 21030
 Location of Sign: 427 Sherwood Rd., MD 21030
 Remarks: Property of Baltimore
 Posted by: [Signature] Date of return: 11/16/90
 Number of Signs: 1

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: **3057**

Date: 7/30/90 H9100039

	QTY	PRICE
PUBLIC HEARING FEES		
010 -ZONING VARIANCE (IRL)	1 X	\$95.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: WISE

04A04#0051M1CHRC \$60.00
 BA C00319PM07-30-90
 Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10-26-1990
 THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-24-1990

TOWSON TIMES,

S. Zate Nelson
Publisher

\$ 71.69

NOTICE OF HEARING
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
 Petition for Zoning Variance
 Case number: 91-47-A
 S/S Sherwood, 450' SE c/l of Topfield Road
 427 Sherwood Road
 8th Election District
 Petitioner(s): James H. Wise, et ux
 Hearing Date: Wednesday, Nov. 21, 1990 at 9:30 a.m.
 Variance: to allow side yard setbacks of 22 ft. in lieu of 40 ft.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 T/JR10328 Oct. 25

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10-26-1990
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-24-1990

THE JEFFERSONIAN,

S. Zate Nelson
Publisher

\$ 71.69

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 Zoning Commissioner of Baltimore County
 T/JR10328 Oct. 25

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 8/13/90
 Posted for: Variance
 Petitioner: James H. Wise, et ux
 Location of property: 427 Sherwood Rd., MD 21030
 Location of Sign: 427 Sherwood Rd., MD 21030
 Remarks: Property of Baltimore
 Posted by: [Signature] Date of return: 7/17/90
 Number of Signs: 1

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: **334**

Date: 91-47

PUBLIC HEARING FEES: \$95.00
 POSTING SIGNS / ADVERTISING: \$25.00
 TOTAL: \$120.00

LAST NAME OF OWNER: WISE

04A04#0051M1CHRC \$120.00
 BA C00314PM11-21-90
 Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10/30/90

Mr. & Mrs. James H. Wise
427 Sherwood Road
Cockeysville, Maryland 21030

Re: Petition for Zoning Variance
 CASE NUMBER: 91-47-A
 S/S Sherwood, 450' SE c/l of Topfield Road
 427 Sherwood Road
 8th Election District - 3rd Councilmanic
 Petitioner(s): James H. Wise, et ux
 HEARING: WEDNESDAY, NOVEMBER 21, 1990 at 9:30 a.m.

Dear Mr. & Mrs. Wise:

Please be advised that \$76.69 is due for advertising and posting of the above captioned property.

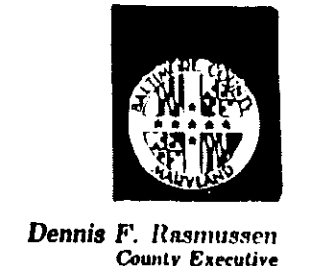
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

JRHigs
cc: File

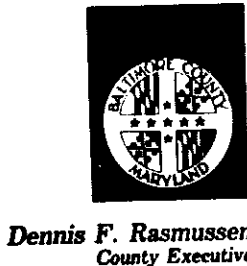


Dennis F. Rasmussen
County Executive

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 2, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. James H. Wise
427 Sherwood Road
Cockeysville, Maryland 21030

Re: CASE NUMBER: 91-47-A
 ITEM NUMBER: 39
 LOCATION: S/S Sherwood Road, 450' SE of c/l of Topfield Road
 427 Sherwood Road

Dear Petitioner(s):

Please be advised that your petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 22, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is September 6, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Knowing no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,
[Signature]
 G. G. Stephens
 (301) 887-3351

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

10/5/90

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
 CASE NUMBER: 91-47-A
 S/S Sherwood, 450' SE c/l of Topfield Road
 427 Sherwood Road
 8th Election District - 3rd Councilmanic
 Petitioner(s): James H. Wise, et ux
 HEARING: WEDNESDAY, NOVEMBER 21, 1990 at 9:30 a.m.

Variance: to allow side yard setbacks of 22 ft. in lieu of 40 ft.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER OF BALTIMORE COUNTY



Dennis F. Rasmussen
County Executive

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 6, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. James H. Wise
427 Sherwood Road
Cockeysville, MD 21030

RE: Item No. 39, Case No. 91-47-A
 Petitioner: James H. Wise, et ux
 Petition for Residential Variance

Dear Mr. & Mrs. Wise:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
[Signature]
 JAMES E. DYER
 Chairman
 Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 30th day of July, 1990.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

Received By:

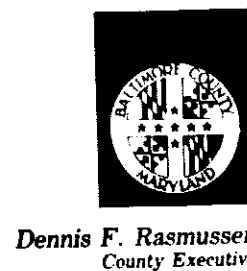
[Signature]
 Chairman,
 Zoning Plans Advisory Committee

Petitioner: James H. Wise, et ux

Petitioner's Attorney:

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

August 10, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 32 and 39.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
AUGUST 13, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM # 39
PROPERTY OWNER: James H. Wise, et ux
LOCATION: S/S Sherwood Road, 450' SE centerline of
Topsfield Road (#427 Sherwood Road)
ELECTION DISTRICT: 8th
COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- X A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- X OTHER - A one hour fire resistance rating is required for exterior walls less than 3 feet from a property line.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

AUGUST 3, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JAMES H. WISE

Location: #427 SHERWOOD ROAD

Item No.: *39 Zoning Agenda: AUGUST 16, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Chief Joseph Kelly* Noted and Approved *Captain W. F. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

Zoning Commissioner
Development Control
Baltimore County Zoning Office
111 West Chesapeake Ave.
Room 113
Towson, MD 21204

Item No.: 39
Case No.: 91-47-A
Property Owners: Mr. & Mrs. James H. Wise
Location: 427 Sherwood Rd.
Cockeysville, MD 21030

Dear Sir:

My husband and I reside at 425 Sherwood Rd., adjacent to the above listed property for which a Residential Variance has been requested. The proposed variance is to allow for a lesser side yard setback (on the north side) of 3 ft. in lieu of the required minimum 15 ft., for the purpose of constructing an enclosed garage to replace the existing carport. The south side of our home faces the mutual property line and the proposed garage structure.

*NOTE: On 8/13/90 the property at 427 Sherwood Rd. was posted with a Zoning Notice sign - Residential Variance - Case # 91-47-A - stating "to allow side yard setbacks of 22 ft. in lieu of 40 ft.". On 8/14/90 I went in person to the Zoning Office to examine the proposed petition. With the assistance of Ms. Kate Milton, I was able to view the petition and sample plat for Item 39. It was noted that the current side yard setback off the property line adjacent to 425 Sherwood Rd. was 14 ft. It was also noted that the current side yard setback off the property line adjacent to 429 Sherwood Rd. was 19 ft. No structures are attached to the house at 427 on either side with the exception of the existing carport which is currently 14 ft. off the property line.

It was questioned that the current side yard setbacks as they now exist only total 33 ft. (14 ft. on the north side and 19 ft. on the south side). How can this be possible if the law mandates 40 ft. total between both sides and the adjacent property lines with a minimum of 15 ft. on one side (as I was told in person by Zoning at an earlier date and as is posted on the Zoning Notice and written on the petition)? Per Ms. Milton, the paperwork did not appear to be correct. She advised that the petition for zoning variance should be based on the zoning laws/regulations that were in effect when the house was originally built. According to the paperwork on file, the house was built in 1956. Therefore, the zoning rules in effect in 1956 would be the basis for the requested variance. Ms. Milton advised that in 1956 the side yard setback was a minimum of 15 ft. on each side of the permanent structure to the adjacent property lines, i.e. a total minimum of 30 ft.

11/30/89 (10/24/89-11/1/89) REG. NO. 2880

LOCATION SURVEY
425 SHERWOOD ROAD, BALTIMORE COUNTY, MARYLAND

OFFICE OF
MANK & KUNST
408 YORK ROAD
TOWSON, MARYLAND 21204

SCALE
1" = 30'

DATE
11/30/89

JOB NO.
123
89 T

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for August 16, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 32 and 39.

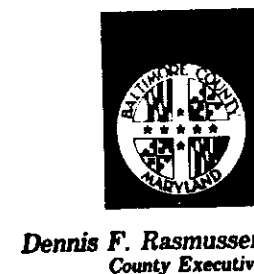
Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:c

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 26, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. James H. Wise
427 Sherwood Road
Cockeysville, Maryland 21030

Re: CASE NUMBER: 91-47-A
LOCATION: S/S Sherwood, 450' SE c/l of Topsfield Road
427 Sherwood Road

Dear Petitioner:

By Order of the Zoning Commissioner's Office, dated September 26, 1990, this matter must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to re-post the property and run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391

PETITIONER'S EXHIBIT #

CASE NUMBER: 91-47-A



11 ft. distance from garage (proposed) to property line IN FRONT.

427

425



Carport to be enclosed and area to hold 2nd bay.

End of proposed garage

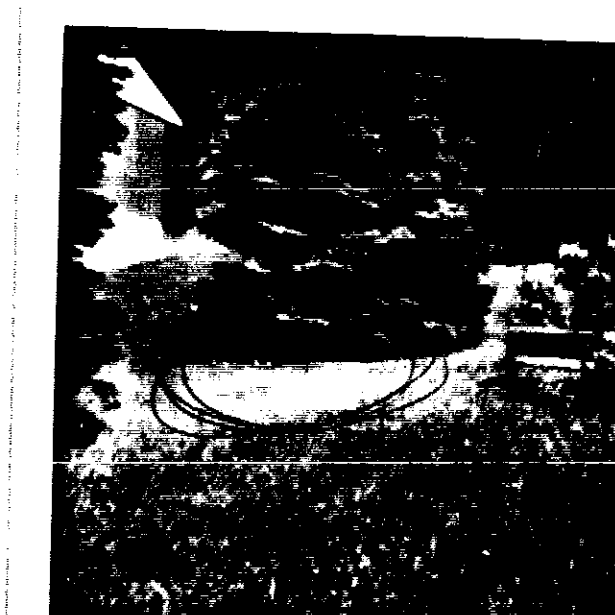
427



REAR view of house showing carport to be enclosed and stake for new garage.

425

427



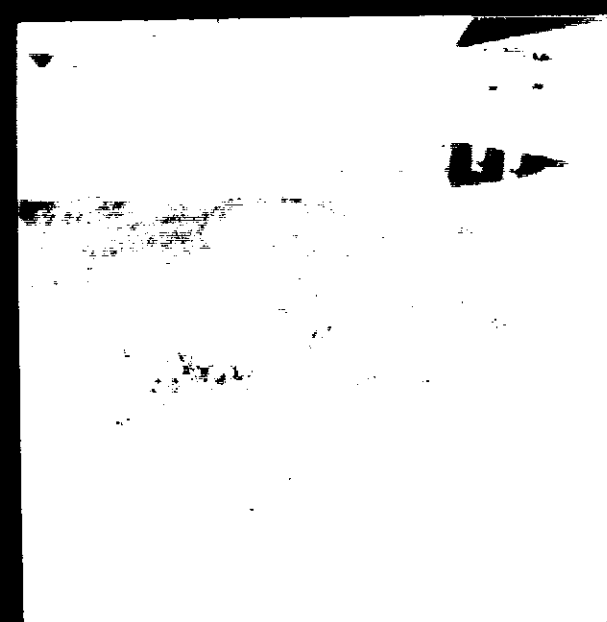
3 ft. distance between proposed garage and property line in REAR.

425

427

PETITIONER'S EXHIBIT 1

CASE NUMBER: 91-47-A



Distance between houses --
Proposed garage will stay to
left of spruce tree.
427 425



427 425

PETITIONER'S EXHIBIT 1

CASE NUMBER: 91-47-A



Shows slope from rear yard --
Note slider from basement.
427



Side opposite existing carport
showing proximity to
neighboring house.
425

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 427 SHERWOOD ROAD

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: DUN KOVIN

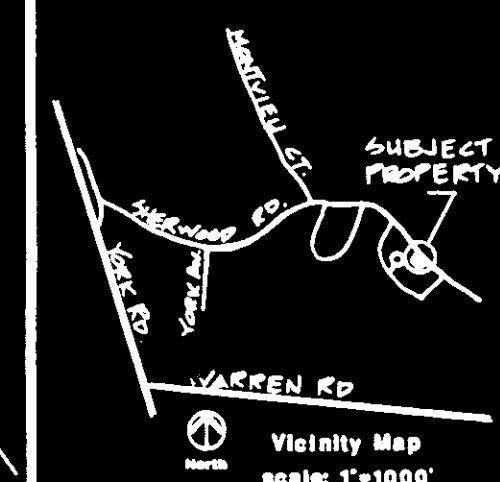
plat book # 12, folio # 12, lot # 7, section # B

OWNER: MR & MRS. JAMES WISE



North
date: 7/9/90
prepared by: JWO

Scale of Drawing: 1" = 40'



LOCATION INFORMATION

Councilmanic District: 3
Election District: 3
1"-200' scale map: N.W. 1/4
Zoning: DR 2
Lot size: 0.45 10661.9
acres square feet
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

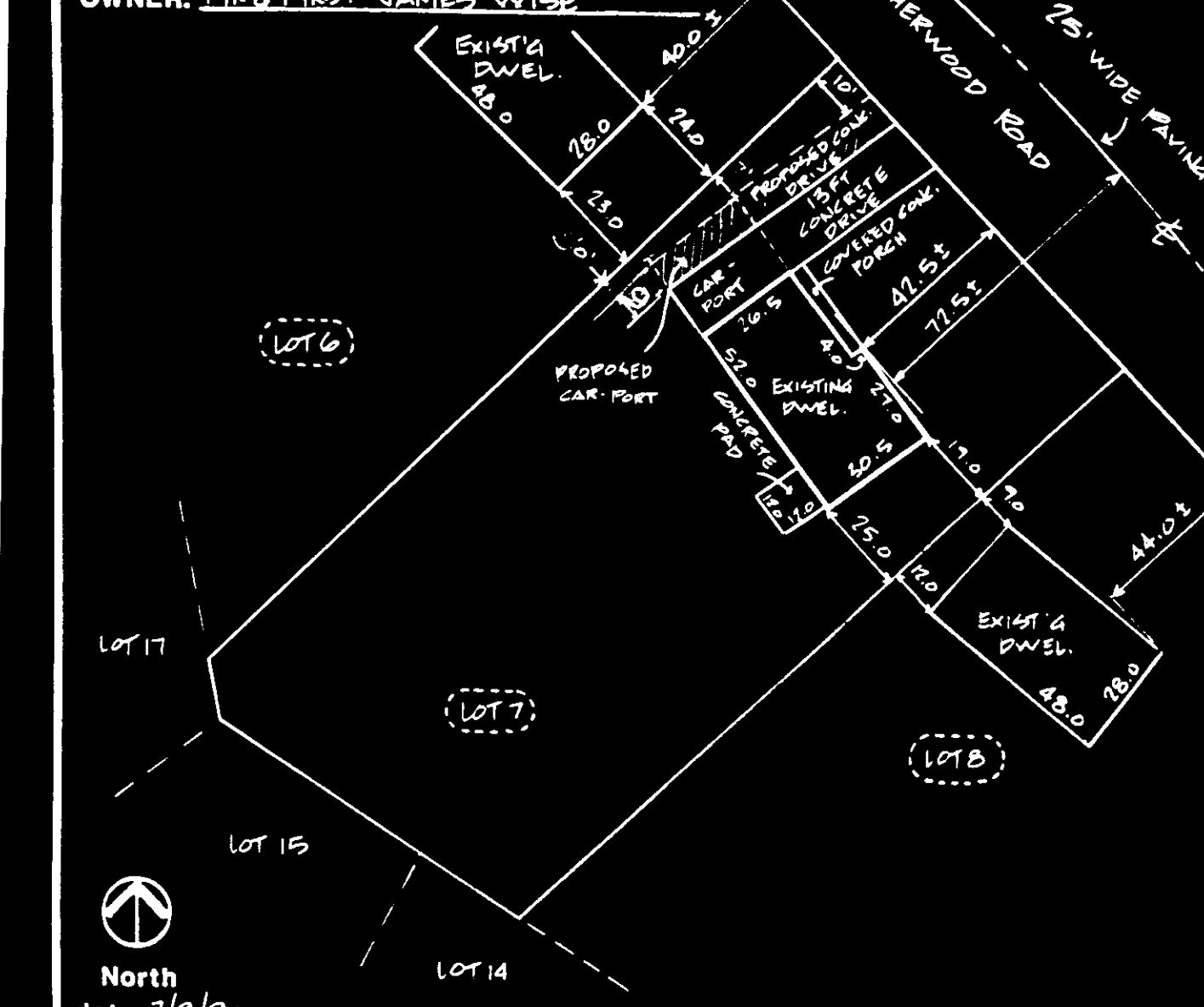
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plat book # 12, folio # 12, lot # 7, section # B

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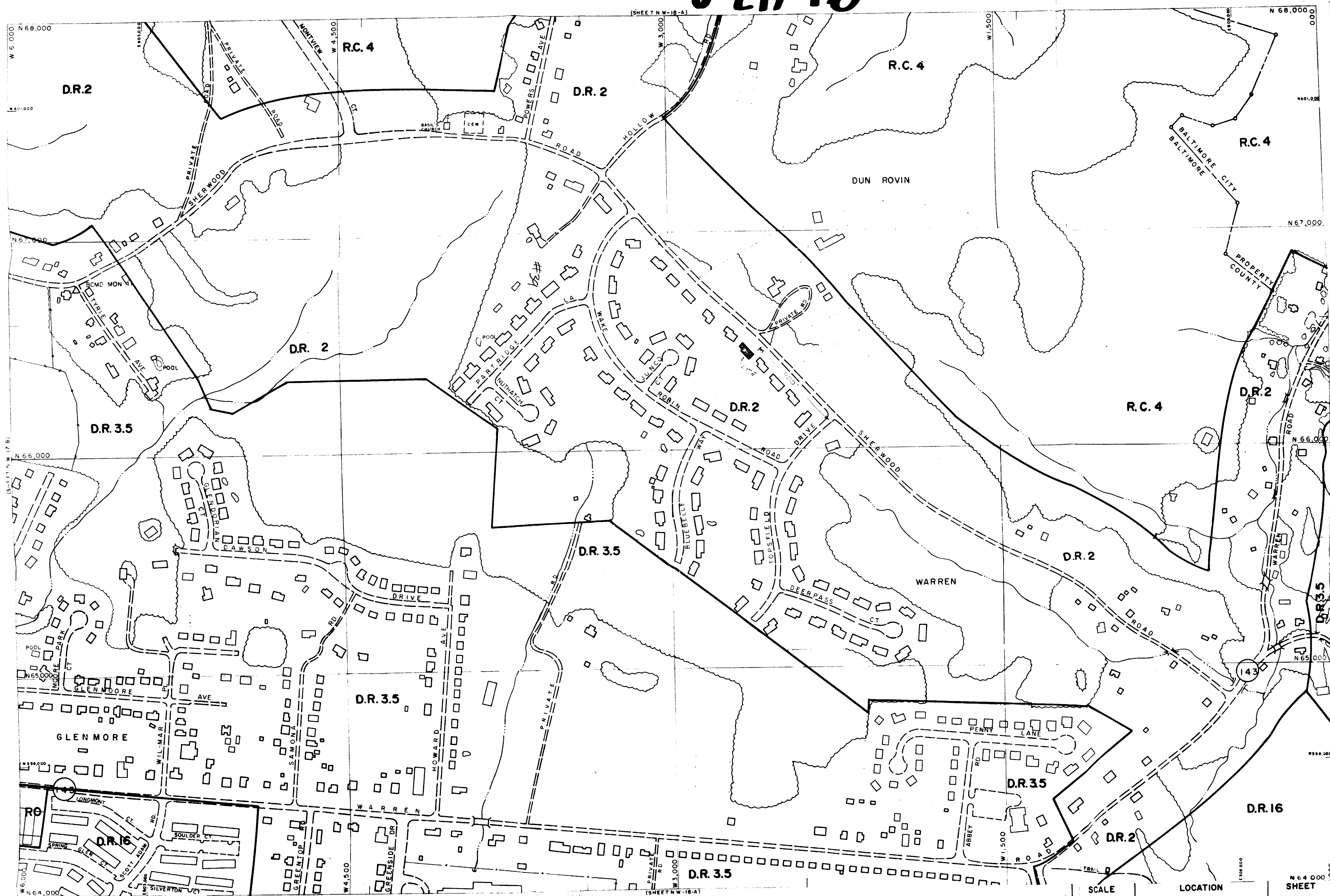
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Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#: 91-47A

91-47-16



V-SE U-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
B.C.C. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Baltimore County Council
Baltimore, Maryland

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION COCKEYSVILLE	SHEET N.W. 17-A
DATE OF PHOTOGRAPHY JANUARY 1986		